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HEARING BEFORE THE
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL
WORKFORCE, AND THE DISTRICT OF COLUMBIA
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
U.S. SENATE

“National Security Reform: Implementing a National Security Service Workforce”
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Good afternoon Mr. Chairman, Senator Voinovich, and distinguished Members of the Subcommittee. Thank you for inviting me to testify at today’s hearing on creating a National Security Workforce. It is my pleasure to update this Subcommittee on the implementation of the Intelligence Community’s Civilian Joint Duty Program (“Joint Duty”). Per your letter of invitation, I will:

- Discuss the implementation of Joint Duty, including associated challenges;
- Discuss the Joint Duty Program in the broader context of the National Security Professional Development (NSPD) program; and
- Offer recommendations regarding the NSPD program and interagency rotation programs.

In general, strategic workforce policies are among the most powerful levers available to an institution intent on transforming its culture, and the Intelligence Community (IC) is no exception. The Office of the Director of National Intelligence (ODNI) has led the design, development, and implementation of a number of ground-breaking strategic human capital initiatives with this end in mind. The Joint Duty Program is one of these flagship initiatives; it is

essential to the Community's transformation and to the establishment of a culture of collaboration that is critical to our national security.

Specifically mandated by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), the Director of National Intelligence (DNI) is directed to facilitate the rotation of IC personnel among its agencies by making "joint" (that is, interagency) duty a condition of promotion to certain positions specified by the DNI, in a manner that "...to the extent

- practicable, seek to duplicate joint [military] officer management policies established by...the Goldwater Nichols Department of Defense Reorganization Act of 1986." Goldwater-Nichols was arguably the most sweeping reform of our Nation's military since the National Security Act of 1947, and as the impetus for military joint duty (it required a joint assignment as a prerequisite for flag rank), it serves as the philosophical, conceptual, and intellectual foundation of our program.

The IRTPA authorized the DNI to "prescribe mechanisms to facilitate the rotation of [civilian] personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities." Like the Goldwater-Nichols Act (and Executive Order 13434: National Security Professional Development), the Joint Duty Program is intended to ensure that as a minimum, IC professionals, managers, and executives come to know first hand, through one or more joint duty rotational assignments, the entire intelligence "enterprise" and their interagency responsibilities in executing its missions. Indeed, the cross-cutting problems faced today by the IC require nothing less.

To begin implementing these provisions, the DNI issued Intelligence Community Directive (ICD) 601, *Joint Intelligence Community Duty Assignments*, in May 2006. With the issuance of ICD 601, the DNI made civilian joint duty an essential part of becoming (and being) a senior leader in the IC. Although joint duty assignments are strictly voluntary, some form of “joint” experience will, by October 1, 2010, be mandatory for promotion to almost all senior IC positions. Effective upon issuance, the Directive established overarching policies and procedures for identifying, applying for, serving in, and receiving credit for joint duty assignments, which normally range between 12 to 36 months. This program covers all civilian personnel permanently employed by the IC, as defined by the National Security Act. While the Directive does not apply to members of the military services, the IRPTA specifically provides that assignment to the ODNI of commissioned military officers shall be considered a joint-duty assignment for purposes of the Goldwater-Nichols Act.

In June 2007, the DNI issued detailed implementing instructions for the Joint Duty Program. Among other things, the instructions provide that the joint duty requirement for promotion to senior positions be phased in over three years, beginning with the most senior leadership positions in the IC and incrementally expanding coverage until all non-exempt senior positions require joint duty as a condition precedent to promotion or reassignment. Thus, effective October 1, 2007, absent a waiver or exemption, senior positions with a direct reporting relationship to the head of an IC agency required joint duty as a prerequisite. Similarly, effective October 1, 2008, those positions reporting to an agency head’s direct reports now require joint duty as a prerequisite. On October 1, 2009, the next lower tier of senior positions will be covered. All remaining senior civilian positions which require joint duty experience will be covered on October 1, 2010, absent a waiver or exemption. This phased approach gives our

Community the time to adjust to the Program's requirements and allows those thousands of employees who aspire to (and have the potential for) a senior leadership position the time to seek out an appropriate joint duty assignment, as well as corresponding joint training and development.

Other key features of the program can be broken down into three categories: what constitutes a joint duty assignment, key administrative features, and program management and evaluation.

Joint Duty Assignments:

- **Criteria for Joint Duty Credit.** An employee receives joint duty credit for an assignment at General Schedule (GS) grade 13 and above (or equivalent) of at least 12 months in another IC agency, so long as that employee received performance ratings of "fully successful" or higher during the assignment. Multiple assignments of not less than 90 consecutive days may be cumulatively applied to satisfy the 12-month minimum requirement for joint duty credit, so long as the minimum requirement is met within a 24-month period. The assignment must be approved by the employee's first-level supervisor and second-level manager, in coordination with the individual's career service or career program (where applicable); have duties and responsibilities that require that employee to acquire and apply substantial practical knowledge and understanding of the organization to which assigned, including its mission, structure, key personnel, and culture; be part of, and consistent with that employee's career development plan(s); and be consistent with applicable competency requirements and career path(s) established by the individual's professional community.

- **Diversity of Assignments:** In order to maximize the opportunity for joint duty credit or experience, the instructions provided that IC employees may be able to receive joint duty credit not only for traditional inter-agency rotations, but for a wide variety of assignments.

- **Intelligence Centers and Interagency Organizations.** Employees will receive joint duty credit for assignments to organizations that include (but are not limited to) the ODNI or one of its components, including the National Counterterrorism Center, the National Counter Proliferation Center, the National Counterintelligence Executive, designated DNI Mission Managers, and other ODNI organizations; a National Center, Service, or equivalent organizational unit managed by an IC agency, where that IC agency has officially been designated by the DNI as the IC Executive Agent (such as the National Clandestine Service by the Central Intelligence Agency); the National Security Council; the Homeland Security Council; the Office of the Under Secretary of Defense for Intelligence; the President's Intelligence Advisory Board; and/or other comparable inter-agency organizations. Additionally, certain inter-governmental, private sector, non-governmental, academic or educational organization professional experiences may qualify for joint duty credit.

- **Internal Assignments.** In addition, the DNI (and the Director for Defense Intelligence (DDI) for Department of Defense (DoD) agencies) may determine that an assignment internal to an IC agency may provide employees of that agency with sufficient inter-agency experience to qualify as the equivalent of a joint duty assignment outside of that agency. To qualify as a joint duty assignment, such an internal assignment must involve significant policy, program, managerial, operational, liaison, tasking, or coordinating responsibility for resources, programs, policies, or operations that are carried out by the employee's agency, in conjunction with one or more other IC agencies and/or organizations external to the IC, to

include combatant commands; other Federal agencies; state, local, or tribal governments; Joint Terrorism Task Forces; foreign partners; or international organizations, such that the assigned employee is required to acquire and apply extensive, first-hand knowledge and understanding of one or more other IC agencies or external organizations.

- **Combat Zones.** Any individual deployed on a Permanent or Temporary Change of Station or Temporary Duty basis for 179 days or more to a designated combat zone will satisfy the 12-month minimum requirement for joint duty credit.

Key Administrative Features:

- **Inventory of Positions Requiring Joint Duty.** Annually, the heads of each executive department or independent agency with IC employees provide the DNI an inventory of all senior IC positions/employees, to include title, senior position tier level, functional area, and duty location. The annual report also provides the number of employees who have successfully earned joint duty credit. As part of that annual inventory, each executive department or independent agency with IC employees also identifies those senior positions that may be exempted from the joint duty requirement, as well as those positions or assignments internal to an agency that may provide employees of that agency qualifying joint duty experience. That inventory is published by the DNI each year.

- **Identification and Selection of Joint Duty Assignments.** Because joint duty is a prerequisite for most senior promotions, and because the number of positions that provide such joint duty experience will be relatively small compared to the pool of IC employees who may be eligible for them, the Program requires merit-based competition for all but a very few of such assignments. Thus, when an IC agency has a joint IC duty position, it is required to post a

vacancy announcement with other IC agencies, as well as to the DNI's central Joint Duty Web site. Nominees for joint IC duty rotational assignments must be identified through a competitive process, and only individuals ranked as "highly qualified" by an IC agency are eligible for nomination. In addition, as a matter of common practice, the head of an agency, or senior designee, must review and endorse all joint duty nominees, as a final quality control check. Gaining agencies reserve the right to decline a joint duty nominee for appropriate reasons (for example, qualifications).

- **Joint Duty Claims.** The Program permits the head of an IC agency to determine that an IC employee's relevant military, professional, technical, managerial, and/or leadership experience outside the IC qualifies as the equivalent of a joint duty assignment. In addition, civilian employees may claim that one or more previous permanent or temporary assignments within the IC provided joint duty experience. To qualify for joint duty credit, the assignment must have been completed after September 11, 2001 and meet the other required criteria. As an exception to that time limit, a civilian employee may claim that a temporary or permanent assignment to another IC agency completed on or before September 11, 2001, but begun on or after January 1, 1997 qualifies as providing joint duty credit where the head of an IC agency determines that such assignment clearly and directly contributed to a "joint" (that is, inter- or multi-agency) function, activity, or operation.

- **Joint Duty Exemptions.** The DNI (and DDI for DoD agencies) may exempt a particular senior position from the joint duty certification requirement, where it has been demonstrated that the senior position is unique; requires rare or exceptional technical skills or expertise not found elsewhere in the IC; and/or is part of a narrowly focused, highly specialized scientific, technical, or professional community that exists only within a particular IC agency. The head of an IC

agency may request such an exemption at any time and/or in conjunction with the annual senior position inventory.

- **Waivers for Certain Promotions.** The DNI (and for DoD, the DDI) may also waive the joint duty requirement in the case of the proposed promotion, where it has been demonstrated that there are no “highly qualified” alternative candidates with joint duty certification, and that the mission of an IC agency would be adversely impacted if that particular individual cannot be appointed, promoted, or placed into the senior position in question. Individual waiver requests may be submitted by the head of an IC agency. Each waiver request must also include a detailed description of the experience and qualifications of the individual for whom the waiver is being requested, in comparison to those other candidates for the position who have earned joint duty certification, including justification as to why the individual in question has been unable to satisfy the joint duty requirement, and a detailed description of the adverse mission impact that would result if a waiver is not granted in the particular case.

- **Permanent Promotions.** The employing IC agency remains responsible for the permanent promotion of those of its employees who are on (or who have completed) a joint duty assignment. In that regard, eligibility, consideration, and selection for such permanent promotions will be in accordance with policies and procedures established by the employing agency for the promotion of its employees generally, except that joint duty credit will be considered a quality ranking factor in the merit promotion process and accorded additional weight in the consideration of candidates for promotion to a rank or a position of GS-14 or above (or pay band equivalent), including senior officer positions. However, candidates with joint duty certification or credit are not guaranteed promotion. In those cases where a “highly qualified” candidate with current or prior joint duty credit is not selected for a particular permanent

promotion, the agency will document the reasons for such non-selection in writing and retain such documentation in its official files.

- **Performance Management.** The Directive provides that the annual performance evaluations of employees on joint duty will be completed by management officials in the gaining agency who have been designated as the individual's immediate supervisors/performance rating officials, but in accordance with the performance management system of each individual's employing agency. The reviewing official will consult with a designated official of that agency and provide that official with an opportunity to review and provide additional written comments on the employee's performance, but the final decision on the employee's rating rests with the gaining agency. That gaining agency also determines whether an employee on joint duty will receive a performance bonus, with funding for such bonuses being the responsibility of that gaining agency.

- **Authority to Back-Fill Behind Joint Duty Detailees.** Normally each fiscal year, the Intelligence Authorization Act establishes end-strength ceilings for activities covered by the National Intelligence Program, and because IC employees on joint duty assignment remain on the official employment rolls of their employing agency, those ceilings limited agencies from back-filling behind that employee. This could be a major impediment to the program, so in March 2008, the DNI, in consultation with the Congress and Office of Management and Budget, gave IC agencies the authority to backfill behind employees on joint duty without regard to the employment levels requested in the President's Budget. Congress expressed support for this approach in the past.

Program Management and Evaluation:

- **Number of Senior Officers with Inter-Agency Experience:** This is perhaps the most important “bottom line” measure of the Program’s success. Since our objective is a senior leadership corps with a Community-wide focus, then the number of senior executives and senior professionals who have completed one or more inter-agency assignments is an effective gauge of that objective. We began collecting these statistics in FY 2007, to establish a baseline for the IC.

- **Number of Employees on Inter-Agency Assignments:** Since the number of senior civilians with joint experience is a lagging indicator, it is also important to measure the IC’s leadership development “pipeline” to ensure that our leadership succession pool is becoming sufficiently joint. In this regard, the mathematical model noted above will help us determine how many employees with joint experience we need to fill projected vacancies in the six separate senior civilian services in the IC, including the “regular” Senior Executive Service.

- **Review of Promotion Rates.** Generally, the Program requires that employees who are on joint IC duty rotational assignments, or who have completed such assignments, will be appointed or promoted at an overall rate comparable to the aggregate population of their peers in the employing agency. This requirement also applies to permanent base pay increases for senior executives or senior professionals. To that end, an employee’s joint duty assignment(s) will be taken into account as a “ranking factor” in the promotion process. The ODNI collects agency promotion statistics on a quarterly basis to ensure that the above requirements are being met. Historically, leaving one’s agency had a negative career impact (the employee was literally “out of sight and out of mind”). In order to protect IC employees from such adverse impact, we pay very close attention to this metric. The ODNI may require an agency to take appropriate corrective action where it determines that employees who are on or who have completed joint

duty have been improperly disadvantaged in the promotion or senior employee pay adjustment process. However, except in extraordinary cases, such corrective action will not involve an individual employee or individual personnel action unless there is a specific finding of substantive policy violation or misconduct.

- **Joint Duty Forecasting Model.** The ODNI has engaged the RAND Corporation to develop mathematical modeling that will forecast how many employees must move through joint duty assignments and training to provide a sufficient pool of competitive candidates for senior positions. In so doing the model predicts annual senior-grade vacancies that will have to be filled through promotion taking into consideration: attrition losses from GS-13 through GS-15 (or equivalent) of those who have acquired joint experience, expected promotion outcomes for GS-13 through GS-15 (or equivalent) of those who have acquired joint experience, and the number of joint duty detailees needed to produce a sufficient pool of senior-grade candidates.

Its Goldwater-Nichols lineage notwithstanding, our Joint Duty Program has faced a number of unprecedented challenges, all stemming from the fact that its target population is exclusively civilian (with a completely different “social contract” than military officers) and spread across six cabinet level departments and 17 agencies with no single organizational chain of command. Thus, as Joint Duty nears the end of its third full year of implementation, and while it enjoys the strong support of our senior leadership, as well as the vast majority of our employees, the program remains fragile. Although we estimate that almost 3,000 employees are currently on some type of joint duty assignment, application rates for joint duty opportunities posted on the ODNI web site remain low.

In July 2008, we surveyed almost 2,000 IC employees to determine their perceptions of the Program and found that with less than two years from full implementation, its promotion requirements were not yet “real” to many of them. In response, we have begun an intensive internal communication campaign – primarily web-based, with a joint duty ‘blog,” streaming video of the IC senior leadership underscoring the importance of joint duty, and frequently asked questions – to educate our workforce on these new requirements. We also discovered a number of administrative issues were hampering the assignments process and we are considering corrective action.

The IC Civilian Joint Duty program remains one of the DNI’s top priorities, and we are pleased to note that on September 9, 2008, the IC Joint Duty Program was honored with the Innovations in American Government Award by the Ash Institute of Harvard University’s Kennedy School of Government. The Program was one of six awardees, and one of only two Federal-level programs, chosen from over 1,000 nominations. In making the presentation the awards program director, the Honorable Stephen Goldsmith, remarked that the Joint Duty Program is both an “innovative solution for improving cross-agency understanding” and a “rewarding professional experience for Intelligence Community personnel.”

Now that I have described the Joint Duty Program, I can discuss it in the broader context of the National Security Professionals (NSP) initiative. As you know, Executive Order 13434 requires, among other things, “...the establishment of a national security professional development program...that provides for interagency and intergovernmental assignments” to ensure that NSPs know and can operate effectively in a collaborative, multi-agency mission environment. In this regard, the Office of Management and Budget (OMB) Implementation Plan provides an overarching framework for identifying interagency “joint” experiences for NSPs;

requires agencies to identify types or categories of interagency developmental assignments; and consistent with security requirements, requests that agencies post those opportunities on the NSPD Web site. Finally, the OMB Plan requires that the Office of Personnel Management, working with agencies and departments, draft regulations that, consistent with merit principles, require documented interagency NSP experience for selection or promotion to certain Senior Executive Service and equivalent positions. The IC will meet these requirements through the Joint Duty Program.

As the implementation of NSPD goes forward, I would offer some advice based upon my experience of implementing the Joint Duty Program. First, it is imperative that the supporting policy and program infrastructure is built and agreed upon by all parties that will be involved. We cannot simply decree that rotational assignments will become a requirement for promotion to the senior ranks in the national security establishment and then expect departments and agencies to make it a reality. A comprehensive set of administrative requirements must be developed to address the types of issues I mentioned above, such as application procedures, performance management, promotions, and making claims for previous professional experiences.

Second, I believe that rotational assignments generally work best and provide the best return on investment when they are between agencies with common mission areas. Third, any rotational program established by law or regulation should be flexible. For example, I believe that the IRTPA provides greater latitude than the Goldwater-Nichols Act, and the IC benefited from that. The challenges with which senior career executive branch officials are wrestling on a daily basis are constantly changing. As these challenges evolve, so must the manner in which we prepare our future leaders. Any rotational program should take that into account.

In conclusion, I would note that the success of the National Intelligence Strategy depends on our people; it requires nothing less than a unified corps of dedicated intelligence professionals that is bold and innovative, focused on results and on the future, collaborative and self-evaluating, and led by senior officers who understand and leverage the capabilities of the entire US intelligence enterprise. The Joint Duty Program is a cornerstone of our efforts to achieve that vision.

Thank you, I look forward to answering any questions you may have.